

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAS) NO. 100/2021 &
CIVIL APPLICATION (CAS) NO. 101/2021
IN
SECOND APPEAL NO. 195 OF 2010

Vasantrao Dharmik & Ors. Vs. Bhauram Bhode & Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S.P. Kshirsagar, Advocate for Applicants
Mr. S.P. Hedao, Advocate for Respondents

CORAM : MANISH PITALE, J.

DATE : 21st APRIL, 2022

By these applications, the appellants / applicants are seeking permission to bring on record legal representative of appellant No.4, who died during pendency of the present appeal. Prayers are made for condonation of delay as well as setting aside abatement.

2. The learned counsel for the respondents has opposed the prayers made in the applications.

3. This Court has considered the contents of the applications. It is stated that although there is a delay of

1363 days in moving application for bringing on record legal representative and for setting aside abatement, it is pointed out that during pendency of the appeal, there was a change in counsel and in the process applications could not be moved within time. The copy of the death certificate placed along with the applications shows that the appellant No.4 died on 29/01/2017 and applications could be moved only in January 2021, after the new counsel was engaged.

4. Despite objections raised by the respondents, this Court is of the opinion that sufficient grounds are made out on behalf of the applicants / appellants for allowing the present applications. Accordingly, delay is condoned. Abatement is set aside and legal representative of deceased appellant No.4, details of whom are given in paragraph No.2 of Civil Applicant (CAS) No.101/2021, is permitted to be brought on record. Amendment to be carried out within one week from today.

5. Applications are disposed of.

JUDGE